

# **EXHIBIT 16**

**From:** Matthew Marquis <matt.marquis@sun.com>  
**Sent:** Sun Mar 02 2003 16:14:29 PST  
**To:** hnkim@etri.re.kr <hnkim@etri.re.kr>  
**CC:** matt.marquis@sfbay.sun.com <matt.marquis@sfbay.sun.com>  
**Subject:** Sun Proposal on WIPI  
**Attachments:**

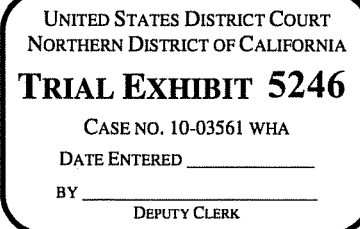
**Importance:** Normal  
**Priority:** Normal  
**Sensitivity:** None

Dear Dr. Kim,

Thank you for discussing on Thursday the Sun Proposal to settle the intellectual property issues between Sun and KWISF. We appreciate your taking the time and effort to understand why Sun has offered the terms for settlement specified in its proposal and why Sun has felt compelled to take action against the current draft of the WIPI Specification.

Before I get to the main purpose of this letter, I feel that it is important to clarify Sun's position on the GNU issue given the new information that you provided during Thursday's call, i.e. that certain portions of the English version of the WIPI Specification were copied from Sun's JDK Specification and that all that might be needed to remedy this infringement was for KWISF to specify what is contained in the GNU Classpath Project. Please be advised that I have now reviewed the site that you referenced and would like to note the following: (1) As Sun has consistently stated, the WIPI Specification is based on copyright violations of the JDK and MIDP specifications; significant portions of the java.lang, java.util and java.io packages of the JDK Specification and significant portions of the lcdui package of the MIDP Specification, have been copied verbatim or otherwise clearly derived from Sun copyrighted specifications; (2) Sun has not authorized the GNU Organization or any third party to copy its specifications or create derivative works of those specifications; (3) Sun has offered those specifications to the public under license terms that do not allow for copying, subsetting or otherwise creating derivative works of the specifications; (4) the "authors" contributing to the GNU Organization have amazingly and explicitly stated that the Classpath work is developed from Sun's copyrighted specifications, see <http://www.gnu.org/software/classpath/docs/hacking.html#SEC2> [Section 9: "Specification Sources"]; (5) the Sun Specifications are even linked to the Classpath site with their attached copyright notices and specification license terms. Therefore, it is beyond a shadow of a doubt, that using the GNU Classpath derivative work to develop the WIPI Specification will not avoid copyright infringement. I would like to finally note that Sun's decision on whether to take action against GNU or any of its contributors is orthogonal to our IPR claims against ETRI, KWISF or any other company or organization infringing Sun's intellectual property.

Now I'd like to move on to the true purpose of this letter. As we have expressed to you, it is Sun's desire to reach an agreement on the intellectual property claims based on what we believe to be the minimum requirements to allow for Java content compatibility. I will not restate



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those terms here, but I will reiterate that our motives are to protect the integrity and promise of the Java standards and to prevent the fragmentation of the platform.

In the spirit of demonstrating Sun's good will towards the WIPI development, should we come to a satisfactory agreement based on the principles we have outlined, Sun would like to extend the following invitation for ETRI to become a "Java Research Center". As a Java Research Center, ETRI would be licensed all of the Java 2 Micro Edition ("J2ME") technologies available under the Sun Community Source License ("SCSL") for research and development, including all of the corresponding Technology Compatibility Kits ("TCKs"), at no cost to ETRI. In addition Sun would underwrite the cost of providing TCK support to ETRI for those J2ME SCSL technologies. ETRI would be able to perform internal research and development with the J2ME technologies and would be allowed to share the results of that development with other Sun licenses with equivalent or superior rights for the technology or technologies under development. Our desire is to publicly acknowledge the innovative leadership of ETRI and the Korean wireless market and the benefits that the Java Community could receive by working collaboratively on future standards.

As you can see, Sun is interesting in moving forward with ETRI and KWISF in a more positive relationship. We hope that this letter helps us move in that direction.

Very truly yours,

Matthew Marquis  
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